

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

POST OFFICE BOX SERVICE ENHANCEMENTS

DOCKET NO. MC2012-26

OPPOSITION OF DAVID B. POPKIN TO THE UNITED STATES POSTAL SERVICE'S
MOTION FOR LATE ACCEPTANCE OF THE RESPONSE OF THE UNITED STATES
POSTAL SERVICE TO CHAIRMAN'S INFORMATION REQUEST NO. 1

August 10, 2012

Respectfully submitted,

PRCMC201226MOTION2

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On July 30, 2012, the Chairman issued a Chairman's Information Request Number 1. This request required to Postal Service to file a response as soon as possible but not later than August 3, 2012. The Postal Service did not file a response to this Request until August 6, 2012 – three calendar days after it was due and the day before Initial Briefs were due.

The Postal Service claims that their failure to respond on time was due to the 109 documents that were filed on July 30, 95 of which were for this Docket. It should be noted that only one of the 95 documents had a Filing Party shown [the PRC Document] If the Postal Service failed to notice the PRC filing when they initially evaluated the July 30th filings, they have not indicated when and under what circumstances they ultimately realized the existence of the PRC filing.

Furthermore, the Postal Service states that undersigned counsels were involved in other dockets. It is the Postal Service that created the other Dockets and they should not create more dockets then they are able to manage. I also recall that a similar claim by the counsel for the APWU in a recent filing when they requested an extension

because of the pressure of all of the dockets and their request was denied. If that applied to them, why doesn't it also apply to the Postal Service?

The purpose of the Chairman's Information Request is to provide information which participants in this proceeding will be able to incorporate in their Initial Brief. Had the Postal Service provided their response at the requested time, participants would have had Friday, August 3, 2012, evening, all day Saturday, August 4, 2012, all day Sunday, August 5, 2012, all day Monday, August 6, 2012, and Tuesday, August 7, 2012, up to 4:30 PM to utilize the information in their Brief. Based on the response not being filed on time, participants had to utilize the information in their Brief only on Monday, August 6, 2012, evening and Tuesday, August 7, 2012, up to 4:30 PM.

The Postal Service keeps referring to their delay as one business day rather than a delay of three calendar days. When the Response was not made until the day before the Briefs were due to be filed, the reference is significant.

Furthermore, if the solution proposed by the Postal Service was followed, participants were required to redo their initial Brief to cover the lack of a timely Postal Service filing, would be required to make a second filing with the information contained in the late-filed Response, would have to prepare and file a second Brief, would have to make a special effort to make the two separate Briefs mesh into an appropriate pleading, and would require to prepare and move for a late filing all because the Postal Service could not accurately evaluate the Daily Listing.

The Postal Service indicates that the Commission should note their response to my Motion to extend the filing date. When was this filing made?

The Postal Service should be held to the same deadlines that they expect from other participants in the various Commission proceedings.